

Regular Meeting

December 19, 2005
9:00 a.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, December 19, 2005, at 9:10 a.m. with Priscilla Tyson, Grady Pettigrew, and Eileen Paley in attendance.

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RE: Review and approval of the minutes from the November 28, 2005, regular meeting.

A motion to approve the minutes was made, seconded, and passed unanimously.

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RE: Review of the results of the pre-hearing conference for the following appeals:
a) Michael Riley vs. Columbus Public Schools, Appeal Nos. 05-BA-0002, 05-BA-0011, and 05-BA-0016. Head Custodian II – 5-Day Suspension, 10-Day Suspension, and Discharge – hearing scheduled for February 13, 2006.
b) Gretchen Parker vs. Columbus Public Schools, Appeal No. 05-BA-0017. Food Service Helper – Discharge – hearing scheduled for March 13, 2006.

PRESENT: Theresa Lynn Carter, Deputy Executive Director

Michael Riley – Three appeals will be heard at the trial board scheduled for February 13, 2006. Mr. Riley was suspended for five days in November of 2004 for nonfeasance, suspended for ten days in March of 2005 for malfeasance, and terminated in May of 2005 for insubordination. Columbus Public Schools intends to call six witnesses and Ohio Association of Public School Employees intends to call the appellant and additional witnesses to be identified no later than January 16, 2006. Both parties agree that because the trial board is scheduled to begin at 9:00 a.m., it should be completed in one full day.

Gretchen Parker – Ms. Parker was discharged in May of 2005 for malfeasance. Columbus Public Schools intends to call seven witnesses and Ohio Association of Public School Employees intends to call the appellant and two of the witnesses Columbus Public Schools identified. Both parties agree that the trial board, scheduled for 1:00 p.m. on March 13, 2006, should be completed in one afternoon.

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RE: Rule Revisions.

No rule revisions were submitted this month.

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RE: Review and approval of the 2006 Civil Service Commission Meeting Dates and Full Commission Hearing Schedule.

The following dates for the 2006 Full Commission Meetings and Hearings were submitted for approval.

| | |
|-------------|--------------|
| January 30 | July 31 |
| February 27 | August 28 |
| March 27 | September 25 |
| April 24 | October 30 |
| May 22 | November 27 |
| June 26 | December 18 |

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of appellant Kraig Blair to withdraw the appeal he filed with the Civil Service Commission on April 21, 2004 regarding a 10-day suspension from the position of Custodian II with the Columbus Public Schools – Appeal No. 04-BA-0002.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of appellant Carole D. Mitchell to withdraw the appeals she filed with the Civil Service Commission on July 6, 2004 and September 20, 2004, regarding two separate 10-day suspensions from the position of Account Clerk with the Columbus Public Schools – Appeal Nos. 04-BA-0012 and 04-BA-0017.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of appellant Jerry Jennings to withdraw the appeal he filed with the Civil Service Commission on May 17, 2005 regarding a 30-day suspension from the position of Head Custodian I with the Columbus Public Schools – Appeal No. 05-BA-0008.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Trial Board Recommendations.

No trial board recommendations were submitted this month.

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RE: Columbus Public Schools Classification Actions.

No Columbus Public Schools classification actions were submitted this month.

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RE: Request of the Civil Service Commission to approve the specification review for the classification Equal Business Opportunity Commission Executive Director (Secretary) (U) with no revisions (Class Code 0035).

PRESENT: Barbara Crawford, Personnel Analyst II

Barb Crawford presented this request as part of the Civil Service Commission's effort to review all classifications every five years. Equal Business Opportunity Commission Executive Director (Secretary) (U) was last reviewed in December 2000. There is currently one employee serving in this classification, located in the Mayor's Office, Equal Business Opportunity Commission.

As part of the class review, a meeting was scheduled with the incumbent to discuss potential changes. While no changes were proposed at this time, it was learned that changes to Ohio Revised Code may be forthcoming in the next year or so that could result in a specification revision at that time. It was, therefore, recommended that the review of the specification for the classification Equal Business Opportunity Commission be approved with no changes.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to approve the specification review for the classification Senior Programmer Analyst with no revisions (Class Code 0581).

PRESENT: Barbara Crawford, Personnel Analyst II

Barbara Crawford presented this request as part of the Civil Service Commission's effort to review all classifications every five years. The specification for this classification was last reviewed in 2000. Currently, there are twenty-one incumbents in this class, allocated to the Departments of Technology, Public Utilities, and Columbus Recreation and Parks.

The Senior Programmer Analyst class was created as the top level of a three part class series responsible for developing and modifying complex computer programming projects. The entry-level class in the series (Analyst Programmer I) is currently not applicable to the work being performed and a moratorium has been placed on that classification. It was therefore recommended that the specification for the classification Senior Programmer Analyst be approved as presented with no revisions at this time. The classification will be reviewed again in the upcoming months, once discussions with department representatives are completed.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to approve the specification review for the classification Programmer Analyst with no revisions (Class Code 0580).

PRESENT: Barbara Crawford, Personnel Analyst II

Barbara Crawford presented this request as part of the Civil Service Commission's effort to review all classifications every five years. This classification was last reviewed in 2000. Currently, there are three incumbents in this class — one in the Department of Technology and two in the Public Service Department, Division of Electricity.

The Programmer Analyst class was created as the mid-level of a three part class series responsible for writing/revising software applications programs and analyzing software related needs within the department or division. The entry-level class in the series (Analyst Programmer I) is currently not applicable to the work being performed and a moratorium has been placed on that classification. It was therefore recommended that the specification for the classification Programmer Analyst be approved as presented with no revisions at this time. The classification will be reviewed again in the upcoming months, once discussions with department representatives are completed.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to approve the specification review for the classification Analyst Programmer I with no revisions (Class Code 0579).

PRESENT: Barbara Crawford, Personnel Analyst II

Barbara Crawford presented this request as part of the Civil Service Commission's effort to review all classifications every five years. This classification was last reviewed in 2000. Currently, there is one incumbent in this class, assigned to the Department of Technology (DoT).

The Analyst Programmer I class was created as an entry-level programming classification in a three part series, responsible for coding computer languages and testing

and documenting computer programs. Advances in software and applications reduced the need for three levels. When the Analyst Programmer II and III classes were revised in 2000, a moratorium was placed on this classification. There are no proposed revisions to the classification specification and the Department of Technology does not anticipate using the class in the future. Therefore, it was recommended that the classification specification for Analyst Programmer I be approved as presented with no revisions, and that the moratorium remain in place.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to approve the specification review for the classification Information Systems Technician with no revisions (Class Code 0546).

PRESENT: Barbara Crawford, Personnel Analyst II

Barbara Crawford presented this request as part of the Civil Service Commission's effort to review all classifications every five years. This classification was last reviewed in 2000. Currently, there are five incumbents in this class, three within the Department of Technology (DoT).

Information Systems Technician was created as an entry-level classification responsible for providing computer support to users, based upon a mainframe system. Prior to the citywide consolidation of technology functions into the Department of Technology, the departments/divisions were charged with providing their own support of their hardware and software. After the consolidation, the majority of departments transferred their user support operations and personnel to the Department of Technology. With the implementation of a centralized user support system, the help desk/desktop support classifications were put into place to handle software and hardware support throughout the City. At the current time, there is ongoing discussion regarding the continued use of this classification and the scope of responsibilities associated with the class. It was therefore recommended that Information Systems Technician be approved as presented with no revisions. The classification will be reviewed again in the upcoming months, once discussions with department representatives are completed.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to approve the specification review for the classification Horticultural Specialist II with no revisions (Class Code 1539).

PRESENT: Barbara Crawford, Personnel Analyst II

Barbara Crawford presented this request as part of the Civil Service Commission's effort to review all classifications every five years. Horticultural Specialist II was last reviewed in October 2000. There is currently one employee serving in this classification, located in the Columbus Recreation and Parks Department.

As part of this review, Civil Service staff members reviewed the questionnaire completed by the incumbent and department representatives were solicited to provide feedback about potential changes. Based on this feedback, it was determined that this specification adequately describes the duties, as they currently exist. It was, therefore, recommended that the review of the specification for the classification Horticultural Specialist II be approved with no revisions.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to approve the specification review for the classification Horticultural Specialist I with no revisions (Class Code 1538).

PRESENT: Barbara Crawford, Personnel Analyst II

Barbara Crawford presented this request as part of the Civil Service Commission's effort to review all classifications every five years. Horticultural Specialist I was last reviewed in October 2000. There are currently no employees serving in this classification.

As part of this review, Civil Service staff solicited Recreation and Parks representatives to provide feedback about potential changes, as the Columbus Recreation and Parks Department has a horticultural program. Based on this feedback, it was determined that this specification adequately describes the duties, as they currently exist. It was, therefore, recommended that the review of the specification for the classification Horticultural Specialist I be approved with no revisions.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to revise the specification for the classification IT Operations Manager (Class Code 0542).

PRESENT: Barbara Crawford, Personnel Analyst II

Barbara Crawford presented this request which was created in 2000 for use within the Department of Technology. Currently, there are no incumbents in this classification. In the five years since the creation of this classification, the City has moved from decentralized IT operations to a centralized operation. Consolidation of personnel, services, and equipment effected changes in the location of equipment as well as in the processes and procedures used in data storage, backup and other critical functions associated with the IT infrastructure.

It was recommended that the definition be revised to read, "Under direction, is responsible for planning, organizing, implementing, and managing the activities and resources of the Data Operations Center within the Department of Technology." It was also recommended that the examples of work section be revised to illustrate that the duties associated with these systems are assigned to the IT Operations Manager classification. No revisions to the guidelines for class use were recommended. It was recommended that the minimum qualifications be revised to reflect the movement away from a mainframe environment to systems management of multiple operating system platforms. Revisions to the knowledge, skills, and abilities were recommended to include a more thorough knowledge required of an incumbent in this position.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to revise the specification for the classification Computer Operations Supervisor, extend the probationary period to 365 days, and amend Rule XI accordingly (Class Code 0541).

PRESENT: Barbara Crawford, Personnel Analyst II

Barbara Crawford presented this request as part of the Commission's efforts to review all classifications every five years. This specification was created in 1975 and was last reviewed in 1999.

This classification is intended to be the supervisory class within the computer operations series. With the implementation of new technology, the City has been moving away from the central mainframe operation to a combined data center and network environment. It was therefore recommended that the definition for this classification be revised to read, "Under direction, is responsible for supervising computer operations activities on one or more shifts in a centralized data center and citywide network environment; performs related duties as required". Because information technology is a rapidly changing discipline which needs to be reflected in the job duties associated with Computer Operations Supervisor, several revisions to the examples of work section of the specification were recommended. With the movement away from the mainframe environment and the rapidly changing advances in the field of technology, incumbents in this classification need a solid background in computer technology and operations; in addition, good supervisory skills are an integral part of the job functions. It was recommended that the minimum qualifications for Computer Operations Supervisor be revised to reflect these requirements. Two minor revisions were proposed to the knowledge, skills, and abilities section of the specification to reflect the thorough knowledge of various concepts and characteristics of the centralized computer operations of the City of Columbus. No change to the examination type was recommended but it was requested that the probationary period be extended to 365 days to be consistent with current City classifications with comparable supervisory responsibilities.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to revise the specification for the classification Public Health Nurse Assistant Supervisor (Class Code 1644).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request as part of the Civil Service Commission's effort to review all classifications every five years. Public Health Nurse Assistant Supervisor was last reviewed in March 2000. There is currently one employee serving in this classification, located in the Columbus Health Department. As part of this review, Civil Service reviewed the current specification and department representatives were solicited to provide feedback about potential changes. Based on this feedback, it was recommended that only one minor revision be proposed at this time. It was recommended that the definition be revised to show that a Public Health Nurse Assistant Supervisor may perform the duties in a nursing or clinical program.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to revise the specification for the classification Public Health Nursing Supervisor (Class Code 1645).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request as part of the Civil Service Commission's effort to review all classifications every five years. Public Health Nursing Supervisor was last reviewed in March 2000. There are currently six employees serving in this classification, located in the Columbus Health Department.

As part of this review, Civil Service reviewed questionnaires completed by incumbents and department representatives were solicited to provide feedback about potential changes. Based on this feedback, it was recommended that only one minor revision be proposed at this time. It was recommended that the definition be revised to show that a Public Health Nursing Supervisor may perform the duties in a nursing or clinical program.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to revise the specification for the classification Automotive Mechanic (Light) (Class Code 3458).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request as part of the Civil Service Commission's effort to review all classifications every five years. Automotive Mechanic (Light) was last reviewed in April 2000. There are currently twenty-six employees serving in this classification, located in the Fleet Management, Golf, Sewerage and Drainage, and Electricity Divisions.

As part of this review, Civil Service reviewed questionnaires completed by incumbents and division representatives were solicited to provide feedback about potential changes. The only proposed revisions recommended were to the examples of work section with the addition of two duties and modification of another to better represent the work typically performed by an Automotive Mechanic (Light).

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to revise the specification for the classification Horticulturist (Class Code 1540).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request as part of the Civil Service Commission's effort to review all classifications every five years. Horticulturist was last reviewed in October 2000. There are currently no employees serving in this classification, but when utilized, it is designated for the Recreation and Parks Department. As part of this review, Civil Service reviewed the current specification and department representatives were solicited to provide feedback about potential changes. Based on this feedback, some minor revisions were recommended.

It was recommended that the definition be revised to read "responsible for planning, promoting and managing the Horticulture Section for the Department of Recreation and Parks". The examples of work section of the specification was revised by modifying three examples and adding one new example. It was recommended that a guidelines for class use section be added to the specification stating that Horticulturist is a single-position classification, eliminating the opportunity for abuse. The only recommended change to the minimum qualifications was to revise the language "possession of a degree" to read "possession of a bachelor's degree". No other revisions to the specification were recommended at this time.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to revise the specification for the classification Fingerprint Technician I (Class Code 3013).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request in response to the Commission's objective to review all classifications at least every five years to ensure accuracy. Fingerprint Technician I was last revised in September 1999. There are currently nineteen

employees serving in this classification. Based upon questionnaire data and information received from an observation, some revisions to the specification were proposed.

No revision to the definition was recommended. However, after a review of the questionnaires, it was apparent that the examples of work section of the specification was not as descriptive as it could be with regards to the duties actually performed; therefore, several new duty statements were added. The only proposed revision to the minimum qualifications section was to require LEADS/BCI certification upon completion of the probationary period. One skill and ability statement was proposed to the knowledge, skills, and abilities section that would read, "skill to accurately and efficiently enter data into a computer, and ability to use a computer and relevant software".

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to revise the specification for the classification Fingerprint Technician Trainee (Class Code 3012).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request in response to the Commission's objective to review all classifications at least every five years to ensure accuracy. Fingerprint Technician Trainee is being reviewed as part of the fingerprint series that is up for review this year. There are currently no employees serving in this classification. Based upon questionnaire data from the Fingerprint Technician Is and information received via interview/observation with the first shift supervisor, some revisions to the specification are proposed.

No revision to the definition was recommended. However, after reading through the questionnaires, it was apparent that the examples of work section was not as descriptive as it could be with regards to the duties that incumbents were learning to perform. Therefore, several new duty statements were recommended. The only proposed revision to the minimum qualifications section was to require LEADS/BCI certification upon completion of the probationary period. Three new statements were proposed to the knowledge, skills, and abilities section of the specification that would read, "some knowledge of fingerprints, skill to accurately and efficiently enter data into a computer, and, ability to use a computer and relevant software".

A motion to approve the request was made, seconded, and passed unanimously.

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RE: Request of the Civil Service Commission staff to abolish the specification for the classification Street Light Engineering Coordinator and amend Rule XI accordingly (Class Code 1135).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this abolishment at the request of the Department of Public Utilities. This classification was only used in the Division of Electricity as a specialized single-position classification. According to the Department, the classification was created for one individual for pay range purposes. Originally, the classification was assigned pay that was one range higher than Engineering Associate III. However, with the implementation of the new CMAGE/CWA pay plan, the pay grade assignments are now the same and the duties and qualifications overlap. Since there are no incumbents in the Street Light Engineering Coordinator classification, it was requested that it be abolished.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Residency Hearing Reviews.*

No residency hearing reviews were submitted this month.

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RE: *Personnel Actions.*

Request of the Civil Service Commission staff to reallocate position #47-03-00089, designated Action Center Coordinator (Class Code 0860) to the 311 Service Representative II classification (Class Code 0439) and to allow the affected incumbent to retain her current classification status and seniority.

Request of the Civil Service Commission staff to reallocate position #60-05-00586, classified as Management Analyst II (Class Code 0780), to the Claims Investigator classification (Class Code 0763) and to allow the affected incumbent to retain his current classification status and seniority.

Request of the Civil Service Commission staff to reallocate position #60-05-00887, classified as Management Analyst II (Class Code 0780) to the Engineering Associate III classification (Class Code 1104) and to allow the affected incumbent to retain his current classification status and seniority.

Request of the Civil Service Commission staff to reallocate position #59-09-30713, classified as Management Analyst II (Class Code 0780) to the Engineering Associate III classification (Class Code 1104) and to allow the affected incumbent to retain her current classification status and seniority.

Request of the Civil Service Commission staff to reallocate position #51-03-05081, classified as Management Analyst II (Class Code 0780) to the Recreation Administrative Manager classification (Class Code 3165) and to allow the affected incumbent to retain his current classification status and seniority.

A motion to approve these requests was made, seconded, and passed unanimously.

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RE: *Administrative/Jurisdictional Reviews.*

Appeal No. 05-CA-0017 - Review of the appeal of Randy Abrams regarding the denial of his request for reinstatement to the police officer eligible list.

The Commissioners reviewed the appeal Mr. Abrams filed on November 23, 2005, based upon his belief that his name should be reinstated to the police officer eligible list. Civil Service Rule VIII(C)(1) requires that in order for his name to be reinstated to the police officer eligible list, he must request reinstatement within one year of resignation, and he must have resigned in good standing. Mr. Abrams termination was effective June 15, 2005. The termination paperwork reflects that he was not in good standing and that the Department would not re-employ him in the future. Based upon the foregoing, the Commissioners decided to deny his request for reinstatement to the police officer eligible list and to dismiss his appeal without a hearing.

| Applicants Removed Post-Exam | | |
|------------------------------|----------------------------------|-----------|
| Name Of Applicant | Position Applied For | BAR # |
| Cynthia J. Moore | Police Communications Technician | 05-BR-107 |

After reviewing Cynthia Moore's file, the Commissioners decided her name would not be reinstated to the Police Communications Technician eligible list.

*Police Officer Applicants
Removed During the Prescreening Process*

Jeremiah Ragan
James Schlotman

The Commissioners reviewed the files of two police officer applicants for an administrative review of the decision of the Executive Director to reject their applications due to a violation of the background standards for police officers during the pre-screening process.

After reviewing the files of Jeremiah A. Ragan and James Schlotman, the Commissioners decided that their applications would not be accepted and they would not be permitted to take the police officer examination.

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The Commissioners adjourned their regular meeting at 9:35 a.m. to conduct a police officer discipline hearing.

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RE: Hearing on the merits of the appeal of Michael Kyde, from the action of the Department of Public Safety, Division of Police, discharging him from the position of Police Officer – Case No. 05-CA-0008.

Commission President Tyson read the following charges and specifications into the record:

Charge I: You are hereby charged with violating Rule of Conduct 1.15(A)(5) "General Requirements," which states, *"Division personnel shall be truthful at all times."*

Specification I: On or about October 16, 2003, you made statements to CME Federal Credit Union teller Damon Powell that the check you were depositing and or cashing was proceeds from a timber transaction you were engaged in involving Canadian land. You knew at that time these statements were not true.

Specification II: On or about October 22, 2003, you made statements to CME Federal Credit Union teller Julie Rakay that the check you were depositing and or cashing was proceeds from a timber transaction you were engaged in involving Canadian land. You knew at that time these statements were not true.

Specification III: On or about November 7, 2003, you made statements to CME Federal Credit Union Fraud investigator Peggy Schumacher that the checks you were depositing and or cashing were proceeds from timber transactions you had engaged in involving Canadian lands. You knew at that time these statements were not true.

Charge II: You are hereby charged with violating Rule of Conduct 1.36 "Unbecoming Conduct," which states, in part, *"Division personnel are to conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Division. Unbecoming conduct is behavior that implicitly or explicitly brings the Division into disrepute, reflects discredit upon the individual as a member of the Division, or impairs the operations or efficiency of the Division or the individual."*

Specification I: Between October 16, 2003 and October 24, 2003, you demonstrated extremely questionable judgment in recklessly cashing and or depositing four fraudulent checks at the CME Federal Credit Union resulting in a negative \$12,881.65 balance in

your personal account. Your actions caused Credit Union officials to file a Fraud report naming you as the suspect and Pickerington Police conducted a criminal investigation into your behavior. Your behavior reflects discredit upon yourself and reflects unfavorably upon the Division.

Specification II: Since recklessly cashing four fraudulent checks at CME Federal Credit Union in October 2003, you have not engaged in appropriate actions to reimburse the Credit Union \$12,881.65 in funds representing the negative balance that resulted in your personal account. Your behavior reflects discredit upon yourself and reflects unfavorably upon the Division.

Appearances and preliminary matters were handled. The witnesses were sworn en masse. Ms. Niedecken and Mr. Brown gave their opening statements.

Michael Kyde – Ms. Passmore called the City's first witness, appellant Michael Kyde. Commission President Tyson swore in Mr. Kyde and Ms. Passmore examined him as if on cross examination. Mr. Kyde was examined on direct by Mr. Brown, examined on re-cross by Ms. Passmore, re-direct by Mr. Brown, answered questions from the Commissioners and was excused.

Damon Powell – The City's next witness, Damon Powell, was unavailable to appear today but was contacted by telephone on the record. Commission President Tyson swore in Mr. Powell over the telephone and he was examined on direct by Ms. Niedecken, examined on cross by Mr. Brown, answered questions from the Commissioners and was excused. This testimony was recorded.

Peggy Schumacher – The City called its next witness, Peggy Schumacher. Ms. Schumacher was examined on direct by Ms. Passmore and Ms. Niedecken, examined on cross by Mr. Brown, answered questions from the Commissioners and was excused.

Police Chief James Jackson – The City next called Police Chief James Jackson. President Tyson swore Chief Jackson in and he was examined on direct by Ms. Niedecken. Mr. Brown had no questions for Chief Jackson so he was excused.

The City rested its case and moved that Exhibits 1 through 18 be admitted; Mr. Brown had no objections and the exhibits were entered.

Michael Kyde – Mr. Brown called Mr. Kyde and examined him on direct. Mr. Kyde was cross-examined by Ms. Passmore, answered questions from the Commissioners and was excused.

Mr. Brown rested his case and moved that Exhibits K1 through K4 be admitted. Ms. Passmore objected to the exhibits but they were admitted and entered into the record.

Ms. Niedecken and Mr. Brown gave their closing statements.

The hearing was adjourned at 4:24 p.m.

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The hearing was reconvened at 4:53 p.m. and President Tyson read the following charges and specifications, findings of fact, and decision into the record:

Charge I: You are hereby charged with violating Rule of Conduct 1.15(A)(5) "General Requirements," which states, *"Division personnel shall be truthful at all times."*

Specification I: On or about October 16, 2003, you made statements to CME Federal Credit Union teller Damon Powell that the check you were depositing and or cashing was proceeds from a timber transaction

you were engaged in involving Canadian land. You knew at that time these statements were not true.

Specification II: On or about October 22, 2003, you made statements to CME Federal Credit Union teller Julie Rakay that the check you were depositing and or cashing was proceeds from a timber transaction you were engaged in involving Canadian land. You knew at that time these statements were not true.

Specification III: On or about November 7, 2003, you made statements to CME Federal Credit Union Fraud investigator Peggy Schumacher that the checks you were depositing and or cashing were proceeds from timber transactions you had engaged in involving Canadian lands. You knew at that time these statements were not true.

Charge II: You are hereby charged with violating Rule of Conduct 1.36 "Unbecoming Conduct," which states, in part, *"Division personnel are to conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Division. Unbecoming conduct is behavior that implicitly or explicitly brings the Division into disrepute, reflects discredit upon the individual as a member of the Division, or impairs the operations or efficiency of the Division or the individual."*

Specification I: Between October 16, 2003 and October 24, 2003, you demonstrated extremely questionable judgment in recklessly cashing and or depositing four fraudulent checks at the CME Federal Credit Union resulting in a negative \$12,881.65 balance in your personal account. Your actions caused Credit Union officials to file a Fraud report naming you as the suspect and Pickerington Police conducted a criminal investigation into your behavior. Your behavior reflects discredit upon yourself and reflects unfavorably upon the Division.

Specification II: Since recklessly cashing four fraudulent checks at CME Federal Credit Union in October 2003, you have not engaged in appropriate actions to reimburse the Credit Union \$12,881.65 in funds representing the negative balance that resulted in your personal account. Your behavior reflects discredit upon yourself and reflects unfavorably upon the Division.

FINDINGS OF FACT AND DECISION

The Commission, in a unanimous decision, found Michael Kyde guilty of Charge I, Specifications I, II, and III and guilty of Charge II, Specifications I and II.

Based upon the foregoing, the Commission affirmed the action of the appointing authority in terminating Michael Kyde from the position of Police Officer for the City of Columbus, Ohio, Department of Public Safety, Division of Police.

THIS BY DIRECTION OF THE COMMISSION.

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The hearing was adjourned at 4:56 p.m.

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Priscilla R. Tyson, Commission President

January 30, 2006
Date